

Joseph P. Schmitt
30 Administration Road
Bridgewater, MA. 02324-3230

Clerk of the Court
United States District Court
1 Courthouse Way, Suite 2300
Moston, Massachusetts 02210

Dated: April 12, 2008

RE: USDC C.A. NOs. 04-10717-RWZ/04-10451-RWZ/05-10573-RWZ
USCA Case Nos. (07-2601) (07-2468)

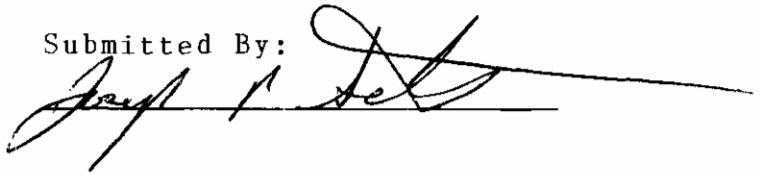
Dear Clerk:

In the above noted USDC cases the Department of Correction defendants filed a motion to vacate my indigency status and Rya W. Zobel granted these motions. The Appeal cases noted above below the related USDC cases were prevented from going forward due to Zobel's ruling. I filed a notice of appeal regarding Zobel's February 13, 2008 ORDER in the above cases and as of the above date I have received no action on my notice of appeal(s) why is this?

Please forward me a current docket sheet for the above noted cases at your very earliest convenience as this is time sensitive matters.

Thank you for your attention and action.

Submitted By:

A handwritten signature in black ink, appearing to read "Joseph P. Schmitt", is written over a horizontal line.

Cc: JPS

UNITED STATES COURT OF APPEALS

Case NOs. 07-2601 & 07-2468

RE: Joseph P. Schmitt vs MA. Dept. of Correction and others

MOTION TO FILE APPEAL LATE

Now comes the pro se plaintiff and moves to file notice of and/or appeal late.

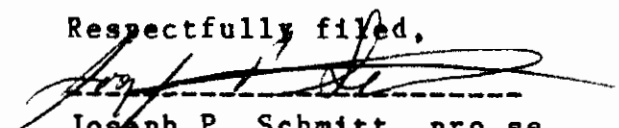
Plaintiff states that the USDC made a ruling on the defendants motion to vacate plaintiff's indigency status on February 13, 2008 vacating plaintiff IFP Status in USDC cases 04-10717-RWZ/04-10451-RWZ and 05-10573-RWZ.

Plaintiff mailed a NOTICE OF APPEAL to the USDC based on the February 13, 2008 ruling to vacate his indigency status. However, the lower court has taken no action on the motion/notice.

Plaintiff is unsure what to do and has on the below noted date sent a letter to the USDC clerks office. See attached copy. Plaintiff does not believe the USDC ruling was just and as such intends to appeal it. In the meantime he does not want the above related appeals to be dismissed.

Plaintiff moves this court for clarification as to what he must do in this situation so as he can preserve his rights to appeal the original appeal issues and the ruling regarding the vacated IFP status.

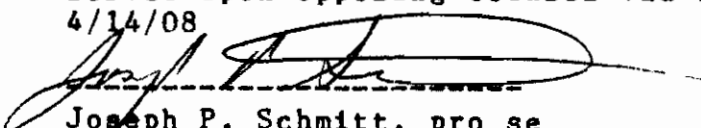
Respectfully filed,



Joseph P. Schmitt, pro se
30 Administration Road
Bridgewater, Ma. 02324

certificate of service

I Joseph P. Schmitt certify that a true copy of the above was served upon opposing counsel via inter department mail on or about 4/14/08



Joseph P. Schmitt, pro se
Plaintiff